

THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P. No. 22547 of 2007

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Oral order:

Aggrieved by the action of respondent No.1 in convening the meeting of no-confidence motion on 26.10.2007 without considering the objections made by the petitioner, the petitioner filed the present writ petition.

The petitioner is the President of Harijan Sand Labour Contract Co-operative Society Limited. It is the case of the petitioner that one of the four persons, namely Barla Yakaiah, Vice-President of the Society, who made representation for moving a motion of no-confidence against him, is not a member of the society. There is only one member by name Barla Yakaiah, who is aged 70 years, while Barla Yakaiah, who is party to the representation made for moving motion of no-confidence against him is aged 38 years. He submitted that though he brought this fact to the notice of respondent No.1, yet respondent No.1 without considering the said fact, issued notice dated 05.10.2007 convening the meeting of no-confidence motion on 26.10.2007. Hence, he submitted that respondent No.1 be directed not to proceed with the convening of the meeting of no-confidence motion on the appointed day.

This Court while ordering notice before admission, ordered convening of the meeting of no-confidence on 26.10.2007 as proposed, but directed not to take further steps in pursuance of the result of the meeting.

Respondent No.1, did not file counter. However, the learned Assistant Government Pleader for Co-operation representing him produced the relevant record and submitted that there are two persons

by name Barla Yakaiah in the society, one who is aged 70 years, is a primary member, and the other, who is aged 38 years and who is a party to the representation made for moving motion of no-confidence, is the Vice-President of the society. She submitted that Barla Yakaiah, who is aged about 70 years, and who the petitioner claims is a member of the society, has himself given a letter dated 01.10.2007 to the respondent stating that he is not the Vice-President of the society, but only a primary member, and that the other person with this name and father's name is the Vice-President of the society. She submitted that except the petitioner, all other members participated in the meeting of no-confidence motion, and all voted against the petitioner. Hence, she submitted that the writ petition be dismissed.

The learned counsel for respondent Nos. 2 to 7, who got impleaded as party-respondents, and who participated in the meeting of no-confidence motion, filed counter and *inter alia* reiterated the stand taken by the learned Assistant Government Pleader.

Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for respondent No.1 and the learned counsel for respondent Nos. 2 to 7.

Though the petitioner contends that one of the persons, namely Barla Yakaiah, who made representation for moving a motion of no-confidence against him, and who is aged 38 years, is not a member of the society, the fact remains, it is the case of the respondents that there are two persons by name Barla Yakaiah in the society – one is aged 70 years and the other is aged 38 years, while the former is merely a primary member, while the latter is the Vice President of the society.

Barla Yakaiah, who is aged about 70 years, and who the petitioner claims, is the only member in the society with the said name, has himself submitted letter dated 01.10.2007 to respondent No.1 stating that he not the Vice President, and that he is merely a primary

member, and that one other person with his name and father's name is the Vice President of the society. This letter makes it clear that Barla Yakaiah, who is party to the representation made for moving motion of no-confidence against the petitioner, is the Vice President of the society. In fact, it is the case of respondent No.1, that before acting on the representation and issuing notice convening the meeting of no-confidence motion, they have verified the signatures of the persons, and found them to be genuine. That being so, the petitioner cannot contend that the signature of Barla Yakaiah was forged and that he was impersonated.

Further, it is the admitted case of the petitioner that he himself has received the notice convening the meeting of no-confidence motion before time, and that even all other members of the Committee received the same before time. Hence, the petitioner cannot contend that the notice was not served on him properly.

Be that as it may, it is the case of the respondents that the meeting of no-confidence motion moved against the petitioner was held as scheduled, and in the said meeting, except the petitioner all the other members participated and unanimously voted the motion against the petitioner, but for the stay orders granted by this Court, they are not taking any consequential action.

In view of the above, I find no merit in the writ petition, and the same is accordingly dismissed. The stay order granted by this Court, directing respondent No.1 not to take any action in pursuance of the meeting, is vacated. No costs.

N.V. RAMANA, J.

Dated: 28th December, 2007.
KSR